IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE THIRTIETH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 24870 of 2004

Between:

1 Vailla Kumaraswamy, S/o. Sailu,
2 Vailla Chandramouli, S/o. Sailu,
3 Vailla Chandramma, W/o. Sailu,
(All the petitioners are R/o. 1-1-1057, Siddarthanagar, Kazipet, Warangal District.)

..... PETITIONERS

AND

1 The Superintendent of Police, Warangal.
2 The Sub-Divisional Police officer (D.S.P.) Hanumakonda, Warangal District.
3 The Circle Inspector of Police, Kazipet, Warangal District.
4 The Sub-Inspector of police, Kazipet Police Station, Warangal District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of mandamus declaring the action of respondents in calling the petitioners to 4th respondent police station in civil disputes daily is arbitrary, illegal, violation of Article 21 of Constitution of India and without jurisdiction and consequently direct the respondents not to call the petitioners to 4th respondent police station in civil disputes without registering any case.

Counsel for the Petitioner: MR.K.VENKATESWARLU

Counsel for the Respondents No.1 to 4: GP FOR HOME

The Court at the admission stage made the following ORDER:

Petitioners allege that the respondents, in particular the Station House Officer concerned are requiring them to attend the police station indiscriminately and harassing them day-in and day-out. It is also alleged that no complaints have been filed against them, much less any case was registered. They seek appropriate directions for protection of their rights and liberty.

Heard learned counsel for the petitioners and learned Government Pleader for Home.

The police authorities are vested with the power as well as the duty to protect the law & order in the society and to investigate into the complaints whenever they are received or as and when any crime is noticed by themselves. Any action against the citizen by the police can be on the basis of a complaint received against him and after registration of the case. There does not exist any basis for indiscriminate interference with the rights and liberty of citizens, in the absence of any specific complaint or registered case. Such action would amount to infringement of the fundamental rights guaranteed under Article 21 of the Constitution of India. The petitioners allege that even in the absence of any complaint and case registered against them, they are being required by the police to attend the police station.

Hence, the writ petition is disposed of directing that the respondents shall not insist on the petitioners to attend the police station or to interfere with their rights, except where any specific complaint is received or any case is registered against them. There shall be no order as to costs.

30.12.2004

ksld

To

1 The Superintendent of Police, Warangal.
2 The Sub-Divisional Police officer (D.S.P.) Hanumakonda, Warangal

District.
3 The Circle Inspector of Police, Kazipet, Warangal District.
4 The Sub-Inspector of police, Kazipet Police Station, Warangal District.

5 2 CCs to the G.P. for Home, High Court Buildings, Hyderabad.

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